REMARKS

Claims 1, 4-22, and 25 were pending in the present application. Claims 1, 8-16, 19, 22, and 25 have been amended. Accordingly, claims 1, 4-22 and 25 are currently pending. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Applicants acknowledge the allowance of claims 15-21. Applicants note that several claims have been amended to correct minor typographical or grammatical errors. No new matter has been added in these amendments.

The Examiner rejected claims 1, 4-8, 13-14, 22, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,754,292 ("Pulley") in view of U.S. Patent No. 6,842,478 ("Ogino"). The Examiner rejected claims 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Pulley in view of Ogino, and further in view of U.S. Patent No. 5,818,869 ("Miya"). Applicants respectfully traverse these rejections.

To establish a prima facie case of obviousness, three basic criteria must be met. *See* M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. Without conceding the second and third criteria, Applicants respectfully assert that there is no motivation to combine the references cited in the Office Action.

Claim 1 recites "sampling the communication channel at a second sampling rate based on and changed by the result of the comparison, wherein the second sampling rate has a different power consumption level than the first sampling rate." Applicants respectfully assert that

forcing a combination of Pulley and Ogino to meet these claims elements would result in an inoperative combination. If the "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." M.P.E.P. § 2143.01(V) (citing In re Gordon, 733 F.2d 900 (Fed. Cir. 1984)).

Specifically, Pulley discloses a feedback loop that changes the sample rate within only about a one or two sample period range, such as +/- 0.5 samples out of 2048 samples. *See* Pulley, col. 2:32-37, col. 4:1-4. Pulley does this to "bring the sampling rate of the receiver into synchronization with the sample rate of the transmitted signal," *id.* at col. 4:27-29, wherein the two rates are varying only within a small range. In contrast, Ogino discloses significantly changing the sampling rate, *e.g.*, halving the sampling rate, in order to change from a high power mode to a low power mode. *See, e.g.,* Ogino, col 3:12-20. Thus if a change in sampling rate of the magnitude disclosed by Ogino was used in the system of Pulley, the sampling rate of Pulley's receiver would be very different from and out of synchronization with the sampling rate of the transmitter, rendering the receiver of Pulley at least unsatisfactory for its intended purpose, and most likely inoperative.

Furthermore, Ogino does not provide a suggestion or motivation to be combined with Pulley to meet these claim elements. Ogino merely discloses changing the sampling rate between low and high power modes based on a control signal provided by a CPU controller. *See, e.g.*, Ogino, Abstract. Ogino does not provide any motivation for performing such a sampling rate change based on comparing a sampling correlation value with a threshold, as required by claim 1. Accordingly, Applicants respectfully submit that independent claim 1 is patentable over the cited prior art.

Claims 4-14, 22, and 25 depend from claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Steven A. Shaw, Applicants' Attorney, at 972-917-5137, so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. Should one be deemed due, however, the Commissioner is hereby authorized to charge, or credit any overpayment, to Deposit Account No. 20-0668.

Respectfully submitted,

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